

(2023) 07 JH CK 0010
In the Jharkhand High Court
Case No : A.B.A. No. 579 Of 2023

Meraj Ansari @ Md. Meraj Ansari

APPELLANT

Vs

State Of Jharkhand & Anr

RESPONDENT

Date of Decision : 11-07-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302, 307, 313, 323, 325, 341, 354, 498A
Dowry Prohibition Act, 1961 — Section 3, 4
Witchcraft Act, 1735 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2023) 07 JH CK 0010

Hon'ble Judges : Ambuj Nath, J

Bench : Single Bench

Advocate : Vikas Kumar, Priya Shrestha, Sunita Kumari

Judgement

Ambuj Nath, J

Heard the parties.

The petitioner is apprehending his arrest in connection with Keredari P.S. Case No.120 of 2021, for the offences under Sections 341, 323, 325, 354, 307, 498A, 313/34 of the Indian Penal Code, Sections 3 / 4 of D.P. Act and Sections 3/ 4 of the Witchcraft Act, pending in the Court of Miss Nikhat Ayesha, learned Judicial Magistrate, 1st class, Hazaribag.

Case diary, earlier called for, has been received. Perused the same.

Petitioner is the husband of the opposite party No.2.

It is alleged that to enforce the demand of dowry, she was tortured and she was physically assaulted and ultimately, she had to leave her matrimonial home.

From the case diary, it appears that opposite party No.2 had gone to hospital but there is no document to show that she was actually examined by the doctor and as such, no injury report is available. This fact has come in paragraph-42 of the

case diary. It further appears that independent witnesses namely Md. Liyakat and Saidun Nisha have stated that opposite party No. 2 is a quarrelsome lady. No occurrence as alleged has taken place.

It has also come during the investigation that the sister of the petitioner was married to the brother of the opposite party No.2. She was murdered by the family members of opposite party No.2 ,for which, another case under Section 302 I.P.C has been instituted.

Learned counsel for the opposite party No.2 has vehemently opposed the prayer for bail. It was submitted that the present case was filed earlier to the case filed under Section 302 of the Indian Penal Code. It was further submitted that one of the accused in the case of murder of the sister of the petitioner has been granted anticipatory bail.

Considering the entire facts and circumstances of the case; I am inclined to extend the privilege of anticipatory bail to the petitioner. He is directed to surrender before the court below within two weeks from the date of receipt of a copy of this order and the learned court below on his surrender shall release him on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each, to the satisfaction of Miss Nikhat Ayesha, learned Judicial Magistrate, 1st class, Hazaribag, or her successor, in connection with Keredari P.S. Case No.120 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C.